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File No. O. Minimum Wages | 51

Legal Dept.

A **BRANCH**

Subject:—

Opinions under the Minimum Wages Act, 1948

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C O N T E N T S.

Legal Department File No.0.Minimum Wages/1951.

Folio.	Letter.	Subject.	Pages.

Opinion under the Minimum Wages Act, 1944.

1-2 3-7-51.	Question whether there is any objection to fixing different minimum rates of wages for men and women workers.	1-4.

A.G.
3-7-56.

MKJ
14/8

Office of the R.L.A.

Minimum Wages Act, XXXX 1948.

Section 3(2)(3)

The Committee appointed under section 5(1)(a) of the Minimum Wages Act, 1948 (India Act No.XI of 1948) has recommended the division of the Bombay State into four Zones and the classification of occupations into 'Skilled', 'Semi-skilled' and 'Un-skilled' classes. It has further recommended different minimum wages for un-skilled, semi-skilled and skilled male workers in the four zones and for women-workers different daily wages in these zones, which wages are less than the wages for male workers, on the ground that the output of women is less than that of men and if same minimum rates of wages are prescribed for both men as well as women, women will be thrown out of employment. R.L.A. is requested to advise whether there is any objection to fixing different minimum rates of wages for men and women workers.

2. Section 3(2) of the Minimum Wages Act, 1948, provides that the appropriate Government may fix,-

(a) a minimum rate of wages for time work (hereinafter referred to as 'a minimum time rate");

(b) a minimum rate of wages for piece work (hereinafter referred to as 'a minimum piece rate");

(c) a minimum rate of remuneration to apply in the case of employees employed on piece work for the purpose of securing to such employee a minimum rate of wages on time work basis (hereinafter referred to as "a guaranteed time rate");

(d) a minimum rate (whether a time rate or a piece rate) to apply in substitution for the minimum rate which would otherwise be applicable, in respect of overtime work done by employees (hereinafter referred to as "overtime rate").

Sub-section (3) provides that in fixing or revising minimum rates of wages under this section (a)....

(4) different minimum rates of wages may be fixed for

(i) different scheduled employments;

(ii) different classes of work in the same scheduled employment;

(iii) adults, adolescents, children and apprentices;

(iv) different localities;

It is clear from these provisions that no different minimum rates of wages can be fixed for men and women workers. In other words, it is clear that the fixation of different minimum rates of wages for men and women workers is impliedly prohibited. Consequently, the recommendation of the Committee fixing different minimum rates of wages for men and women workers would be objectionable and not permissible under the Act. Besides uniform wages both for men and women would be in consonance with the directive principle in Article 39(d) of the Constitution which says that the State shall, in particular, direct its policy towards securing that there is equal pay for equal work for both men and women.

Sd/- J. SUBRAMANIAM. 7/7
Secretary of Legal Affairs.

U.O. to Labour and Housing Department No.10820
dated the 9th July 1961.

RG.
30.7.